

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARE-EAST RIVER SCIENCE PARK, LLC,

Plaintiff,

-against-

NEW YORK CITY HEALTH AND HOSPITALS
CORPORATION and NEW YORK CITY ECONOMIC
DEVELOPMENT CORPORATION,

Defendants.
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: **DECLARATION OF**
: **JEREMY BERMAN**
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: Case No. 24-cv-05956 (NRB)
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JEREMY BERMAN, declares under penalty of perjury, pursuant to 28 U.S.C. §
1746, that the following is true and correct:

1. I am Deputy General Counsel at the New York City Health and Hospitals Corporation (“H+H”), a defendant in this action, and am familiar with the facts and circumstances set forth in this declaration based upon my personal knowledge, which includes my review of the H+H’s books and records.

2. I make this declaration in support of H+H and Defendant New York City Economic Development Corporation’s (“NYCEDC”) motion to dismiss the Complaint, in order to place before the Court certain exhibits that are expressly referred to in the Complaint.

3. Attached as Exhibit “1” is a true and correct copy of an Agreement of Lease between H+H as Landlord, NYCEDC as Lease Administrator, and ARE-East River Science Park, LLC (“ARE”) as Tenant, dated as of December 29, 2006 (the “Original Ground Lease”), referenced in paragraphs 5, 7, 13, 22, 31-35, 37, 69, 76, 121 and 172 of the Complaint.

4. Attached as Exhibit “2” is a true and correct copy of a Seventh Amendment to the Original Ground Lease between H+H and ARE, dated as of October 3, 2018, referenced in paragraphs 57-59, 60, 63, 66, 68, 74, 76, 81 and 84-85 of the Complaint.

5. Attached as Exhibit “3” is a true and correct copy of a Tenth Amendment to the Original Ground Lease, dated as of July 1, 2021, referenced in paragraphs 97-98, 100-102, 110, 114-16, 128-46 and 164-65 of the Complaint.

6. Attached as Exhibit “4” is a true and correct copy of an Eleventh Amendment to the Original Ground Lease, dated as of November 3, 2022, referenced in paragraph 106-108, 110-11, 113-16, 123, 147-170 and 177 of the Complaint.

7. Attached as Exhibit “5” is a true and correct copy of a letter from Christine Flaherty, formerly H+H’s Senior Vice President of Capital Design, to John Cunningham, Executive Vice President of ARE, dated December 10, 2020, referenced in paragraphs 13, 93-95, 143 and 162 of the Complaint.

Dated: New York, New York
December 10, 2024


JEREMY BERMAN